

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKDAVID I YOUNG

12 CV 6761

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATIONISABELLA GERIATRIC CENTERUltra CARE OF MANHATTANJury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

- X Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).
NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.
- X Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.
NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.
- X Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.
NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.
- X New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).
- X New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name DAVID I YOUNG
 Street Address 20 KENT ROAD
 County, City SCHASDALE
 State & Zip Code NEW YORK 10583-2304
 Telephone Number (914) 472-7967

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name ^① MR. MARK KATOR, 1115 CELESTINE LANTZ ^② MR. MARK HALSBAND
 Street Address ISABELLA GERIATRIC CENTR (515 AUDUBON AVE) ^③ 100 2nd AVE Ste 90
 County, City MANHATTAN, N.Y.C. ^④ MANHATTAN
 State & Zip Code NY 10040 ^⑤ NY 10007
 Telephone Number (212) 342-9200 ^⑥ (212) 883-8877

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer ISABELLA GERIATRIC CENTER
 Street Address 515 AUDUBON AVE
 County, City MANHATTAN, N.Y.C.
 State & Zip Code NEW YORK, NY 10040
 Telephone Number (212) 342-9200

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

☐ Failure to hire me.
☒ Termination of my employment.
☐ Failure to promote me.
☐ Failure to accommodate my disability.
☐ Unequal terms and conditions of my employment.

_____ Retaliation.

_____ Other acts (specify): _____

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 7/18/11
Date(s)

C. I believe that defendant(s) (check one):

X is still committing these acts against me.

_____ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☒ race TAIWANESE (ASIAN) ☒ color YELLOW

☐ gender/sex _____ ☐ religion _____

☒ national origin TAIWAN

☒ age. My date of birth is 04/04/33 (Give your date of birth only if you are asserting a claim of age discrimination.)

☒ disability or perceived disability, LEF EAR HARD OF HEARING (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

- ① ^{DAY AFTER MRS JOHNSON'S DEATH} CALLED TO WORK DURING BIGGEST SNOW STORM, MRS CELESTINE REFUSED TO PAY MAKE EXCUSE OF NOT PAYING ME.
- ② APPARENTLY MRS CELESTINE'S MISTAKE ABUSED HER POWER & LET FEMALE WORKER WORK INSTEAD OF ME. (MRS JOHNSON)
- ③ WITH HIGHEST QUALIFICATION AND LONGEST EXPERIENCES, GIVEN WORK TO LESS SUBORDINATES & LESS EXPERIENCES GAVE ME LESS PAY & THEN FIRE ME WITHOUT ANY NOTICES
- ④ FOR MRS JOHNSON'S DAUGHTER CASE. EVERY THERAPIST'S GOT COMPLAINTS, I WAS SINGLE OUT, SAID "I AM THE ONLY"
- ⑤ THERAPISTS WERE BUSY & ACCIDENTLY DRAPED PULSE OXIMETER, SHE SAID I AM THE ONLY ONE. ⑥ UNDER METER PULSE TOLD HER I WAS THE HIGHEST & LONGEST EXPERIENCE, SHOULD PAY TOP SALARY, SHE WASN'T PAY ME
- ⑦ PT MADE A MISTAKE WAS THE FAULT OF MANAGER BY TELLING PT HAS TO USE LONGER (EXHAUSTION), IN LINE LATTER WHICH WE NEVER HAD, PT INSISTED TO A I EXPLAINED TO HER BUT MANAGER I WAS SPT BY THE PT 3 TIMES. IS THIS THE PT SHE SAID I WAS ABUSED BY PT. I DIDN'T GET FIR

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 01/16/12 (Date).

II

E. The facts of my case are as follow

- 8). They treated me like a criminal, when I tried to park my car in the parking lot, the security guard told me they posted all over the "Nursing Home" barred me to get into the facility, I told him that I have a parking permit, he said he knew.

B. The Equal Employment Opportunity Commission (check one):

_____ has not issued a Notice of Right to Sue letter.

X issued a Notice of Right to Sue letter, which I received on 6/8/12 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

X 60 days or more have elapsed.

_____ less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: MENTAL DAMAGE, EMOTIONAL PAIN & SUFFERING
LOST WAGES

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5th day of SEPTEMBER 2012.

Signature of Plaintiff

DAVID I YOUNG David I Young

Address

20 KENT ROAD
SCARSDALE, NY 10583-2304

Telephone Number

(914) 472-7967

Fax Number (if you have one)

SAME AS ABOVE

August 8, 2012


Ms. Jeanette Wooten, Federal Investigator
33 Whitewall Street, 5th Floor
New York, NY 10004-2112

Re: E.E.O.C. Charge No. 482012-17115
David Young V. Isabella Geriatric Center

Dear Ms. Jeanette Wooten:

This is a letter to ask you to do me a favor regarding my case. On or about June 8th of this year, we discussed my case and you told me that Ms. Celestine Lantz told you the reason I got fired was because I had argued with a patient. So far, I have no recollection of the incident. I did not receive disciplinary action, no warning notice, not even a verbal warning. Please help me find out the patient name in question at your earliest convenience. Thank you.

Sincerely,


David I Young
20 Kent Road
Scarsdale, NY 10583-2304
(914) 472-7967

P.S.: Ms. Celestine Lantz's office telephone number is: 212 342 9240

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **David Young**
20 Kent Rd
Scarsdale, NY 10583

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2012-01200

Jeanette P. Wooten,
Investigator

(212) 336-3753**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry
Kevin J. Berry,
District Director

6/4/12
 (Date Mailed)

Enclosures(s)

CC: **Mark Halsband**
President
ULTRACARE OF MANHATTAN LTD
800 2nd Ave Ste 905
New York, NY 10017